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1c648 U.S. PTO

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09/836003
04/17/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
17678-12				

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EL585708887US

Date of Deposit: April 17, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

By:

Name: Amber Stewart

DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

BOX PATENT APPLICATION

Commissioner for Patents

Washington, DC 20231

Dear Sir:

This is a request for filing a divisional application under 37 CFR § 1.53(b) of Serial No. 09/239,104, filed on January 28, 1999, entitled "Powder Processing" by the following inventors:

Full Name Of Inventor	Family Name Gutierrez	First Given Name Emilio	Second Given Name J.
Residence & Citizenship	City New York	State or Foreign Country New York	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 196 East 75 th Street, Apt. 1A	City New York	State & Zip Code/Country New York 10021 U.S.A.
Full Name Of Inventor	Family Name Hafermann	First Given Name Peter	Second Given Name M.
Residence & Citizenship	City Yorba Linda	State or Foreign Country California	Country of Citizenship Canada
Post Office Address	Post Office Address 21570 Dunrobin Way	City Yorba Linda	State & Zip Code/Country California 92887 U.S.A.
Full Name Of Inventor	Family Name Phillips	First Given Name Matthew	Second Given Name W.
Residence & Citizenship	City Tustin	State or Foreign Country California	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 13408 Via Donbenito	City Tustin	State & Zip Code/Country California 92782 U.S.A.

1. ☒ Enclosed is a true and correct copy of the prior application; including the specification, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The copy of the prior application is as follows: 11

pages of specification, 29 claims, 1 page of abstract, 2 sheets of drawings, and 4 pages of oath or declaration and 3 pages of assignment.

2. ☒ Cancel in this application original claims 2-29 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

Number of Claims Filed		In Excess of:		Number Extra		Rate		Fee
Basic Filing Fee								\$710.00
Total Claims								
32	-	20	=	12	x	18.00	=	\$216.00
Independent Claims								
3	-	3	=	0	x	80.00	=	\$0.00
MULTIPLE DEPENDENT CLAIM FEE								\$0.00
TOTAL FILING FEE								\$926.00

- ☐ Small Entity Status was claimed in the prior application.

4. ☒ Payment of fees:
☒ Attached is a check in the amount of \$926.00.
☐ Please charge Deposit Account No. 16-2230.

5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 16-2230.

6. ☒ Amend the specification by inserting before the first line the sentence:

"This is a Divisional of application Serial No. 09/239,104, filed January 28, 1999, which application is incorporated herein by reference."

7. ☒ A set of formal drawings (2 sheets) is enclosed.

8. ☐ Priority of application Serial No. _____, filed on _____ in _____, is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior application Serial No. _____, filed _____.

9. ☒ The prior application is assigned of record to BOTANICALS INTERNATIONAL.

10. ☒ The Power of Attorney in the prior application is to:

OPPENHEIMER WOLFF & DONNELLY LLP
2029 Century Park East, 38th Floor
Los Angeles, CA 90067-3024

11. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

☒ Fee for excess claims is attached.

12. ☐ A petition and fee has been filed to extend the term in the prior application until _____. A copy of the petition for extension of time in the prior application is attached.

13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

14. ☐ Also Enclosed: Information Disclosure Statement (37 C.F.R. §1.97(b)); and PTO-1449.

15. ☒ Address all future communications to the **Attention of Charles Berman** (may only be completed by attorney or agent of record) at the address below.

16. ☒ A return postcard is enclosed.

OPPENHEIMER WOLFF & DONNELLY
2029 Century Park East, 38th Floor
Los Angeles, CA 90067-3024
(310) 788-5000

By: 

Name: Charles Berman
Reg. No.: 29,249
CB/pas